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Docket No.: 242835US-2

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



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Re: Group Art Unit: 2829
Serial No.: 10/661,615
Filed: SEPTEMBER 15, 2003
Applicant: KOUTA INOUE, ET AL.
For: METHOD OF MANUFACTURING
SEMICONDUCTOR DEVICE HAVING
MIM CAPACITOR

SIR:

Attached hereto for filing are the following papers:

RESPONSE TO AN ELECTION OF SPECIES REQUIREMENT

Our check in the amount of \$ -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND
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242835US-2



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
KOUTA INOUE, ET AL. : EXAMINER: GEYER, S. B.
SERIAL NO: 10/661,615 :
FILED: SEPTEMBER 15, 2003 : GROUP ART UNIT: 2829
FOR: METHOD OF MANUFACTURING :
SEMICONDUCTOR DEVICE HAVING
MIM CAPACITOR

RESPONSE TO AN ELECTION OF SPECIES REQUIREMENT

COMMISSIONER FOR PATENTS
Alexandria, Virginia 2231

SIR:

In response to the communication dated May 17, 2004, and further in response to the Election of Species Requirement contained therein, Applicant herein provisionally elects the species noted in the requirement to be "Species 10: Depicted by figures 63-69," and list Claim 18 as being readable thereon.

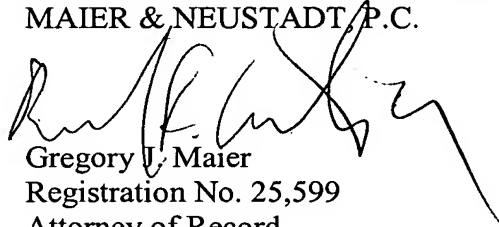
In addition, Applicant respectfully traverses the Election of Species Requirement as it fails to set forth a serious burden in terms of searching and examining all of Claims 1-18 together. Note MPEP §803 which states that:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. [Emphasis added.]

Accordingly, it is urged that this Election of Species Requirement should be withdrawn and that an Action on the merits as to all of Claims 1-18 should be forthcoming.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read 'Gregory J. Maier', is written over the printed name and title.

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